

REMARKS

Applicant has amended the specification. In particular, Applicant has amended the abstract. Applicant has also amended claims 1 and 3-6, and has cancelled claim 2, without prejudice or disclaimer. Accordingly, claims 1 and 3-6 are pending in this application.

The amendments to the specification and the claims are fully supported by the application as originally filed, and no new matter is introduced by this response.

The final Office Action¹ reminded Applicant of the proper language and format for the abstract. Final Office Action at 2. Applicant has amended the abstract to address the issues raised on page 2 of the final Office Action. Accordingly, Applicant submits that the amended abstract is proper.

The final Office Action rejected claims 1-6 under 35 U.S.C. §§ 101 and 112. Final Office Action at 4-9. Solely to facilitate prosecution, and without acquiescing to the rejections, Applicant has amended the claims to address the issues raised on pages 4-9 of the final Office Action. Accordingly, the rejections under 35 U.S.C. §§ 101 and 112 should be withdrawn

The final Office Action also rejected claims 1-4 and 6 under 35 U.S.C. § 102(e) over Wagoner et al. (US 7,219,080); rejected claims 1-3 and 5 under 35 U.S.C. § 102(e) over Porat et al. (US 7,330,826); rejected claim 5 under 35 U.S.C. § 103(a) over Wagoner et al. in view of Porat et al.; and rejected claims 4 and 6 under 35 U.S.C. § 103(a) over Porat et al. in view of Wagoner et al. Applicant respectfully traverses the

¹ The final Office Action may contain statements characterizing the related art, case law, and/or claims. Regardless of whether any such statements are specifically identified herein, Applicant declines to automatically subscribe to any statements in the final Office Action.

rejections of claims 1 and 3-6 under 35 U.S.C. §§ 102(e) and 103(a).² Applicant has amended independent claim 1 to recite, among other things, "an auction management device configured to . . . when (i) . . . purchase conditions indicated by none of . . . at least one bid match . . . sale conditions for [a] product and (ii) . . . re-auction information indicates that the product is to be re-auctioned when an initial auction fails to result in a transaction, re-present said product for auction." Wagoner et al. and Porat et al., individually or in combination, do not disclose or suggest such "an auction management device." Accordingly, the rejections of independent claim 1 and its dependent claims 3-6 under 35 U.S.C. §§ 102(e) and 103(a) should be withdrawn.

In view of the foregoing, Applicant respectfully requests reconsideration of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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Dated: October 12, 2011

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² Applicant has cancelled claim 2. Accordingly, the rejections of claim 2 are moot.